

REFERENCE TITLE: **personal identifying information; destruction**

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

## **HB 2333**

Introduced by  
Representatives McClure, Boone, O'Halleran: Anderson, Burges, Burns J,  
Knaperek, Konopnicki, Lopez L, Murphy, Reagan

### **AN ACT**

**CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 39, ARIZONA REVISED STATUTES, TO "INFORMATION OBTAINED OR DISSEMINATED BY STATE AND LOCAL GOVERNMENTS"; CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 39, ARTICLE 1, ARIZONA REVISED STATUTES, TO "ACCESS TO STATE AGENCY WEB SITE RECORDS AND PRIVACY"; AMENDING SECTION 41-4151, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 39, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO INFORMATION OBTAINED OR DISSEMINATED BY STATE AND LOCAL GOVERNMENTS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading changes

3 A. The chapter heading of title 41, chapter 39, Arizona Revised  
4 Statutes, is changed from "ACCESS TO STATE AGENCY WEB SITE RECORDS AND  
5 PRIVACY" to "INFORMATION OBTAINED OR DISSEMINATED BY STATE AND LOCAL  
6 GOVERNMENTS".

7 B. The article heading of title 41, chapter 39, article 1, Arizona  
8 Revised Statutes, is changed from "GENERAL PROVISIONS" to "ACCESS TO STATE  
9 AGENCY WEB SITE RECORDS AND PRIVACY".

10 Sec. 2. Section 41-4151, Arizona Revised Statutes, is amended to read:

11 41-4151. Definitions

12 In this ~~chapter~~ ARTICLE, unless the context otherwise requires:

13 1. "Agency":

14 (a) Means any board, commission, department or other administrative  
15 unit of this state established by the Constitution of Arizona or by enactment  
16 of the legislature.

17 (b) Includes the legislature, the courts and the governor.

18 (c) Does not include the state compensation fund.

19 2. "Agency web site" means an agency owned, operated or funded web  
20 site connected to the internet and includes web sites accessed through the  
21 "Arizona@yourservice" portal.

22 3. "Privacy policy statement" means a description of an agency's  
23 information practices.

24 Sec. 3. Title 41, chapter 39, Arizona Revised Statutes, is amended by  
25 adding article 2, to read:

26 ARTICLE 2. PERSONAL IDENTIFYING INFORMATION

27 41-4171. Definitions

28 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

29 1. "ENTITY IDENTIFYING INFORMATION" HAS THE SAME MEANING PRESCRIBED IN  
30 SECTION 13-2001.

31 2. "GOVERNMENTAL AGENCY" MEANS:

32 (a) ANY BOARD, COMMISSION, DEPARTMENT OR OTHER ADMINISTRATIVE UNIT OF  
33 THIS STATE ESTABLISHED BY THE CONSTITUTION OF ARIZONA OR BY ENACTMENT OF THE  
34 LEGISLATURE AND INCLUDES THE LEGISLATURE, THE COURTS AND THE GOVERNOR.

35 (b) ANY COUNTY AND ANY BOARD, COMMISSION, DEPARTMENT OR OTHER  
36 ADMINISTRATIVE UNIT OF THE COUNTY.

37 (c) ANY CITY OR TOWN AND ANY BOARD, COMMISSION, DEPARTMENT OR OTHER  
38 ADMINISTRATIVE UNIT OF THE CITY OR TOWN.

39 (d) ANY OTHER POLITICAL SUBDIVISION OF THIS STATE.

40 3. "PERSONAL IDENTIFYING INFORMATION" HAS THE SAME MEANING PRESCRIBED  
41 IN SECTION 13-2001.

42 41-4172. Destruction of personal identifying information and  
43 entity identifying information

44 A. A GOVERNMENTAL AGENCY SHALL DESTROY OR CAUSE TO BE DESTROYED ALL  
45 PERSONAL IDENTIFYING INFORMATION OR ENTITY IDENTIFYING INFORMATION THAT THE

1 GOVERNMENTAL AGENCY HAS COLLECTED IN CONNECTION WITH THE TRANSACTION OF  
2 PUBLIC BUSINESS BY THE GOVERNMENTAL AGENCY AND THAT IS NO LONGER NEEDED BY  
3 THE GOVERNMENTAL AGENCY.

4 B. THE GOVERNMENTAL AGENCY SHALL DESTROY PERSONAL IDENTIFYING  
5 INFORMATION OR ENTITY IDENTIFYING INFORMATION FROM ANY RECORD THAT CONTAINS  
6 THE INFORMATION BY SHREDDING THE RECORD, ERASING THE INFORMATION CONTAINED ON  
7 THE RECORD OR MODIFYING THE RECORD SO THAT THE INFORMATION IS PERMANENTLY  
8 UNREADABLE. IF A PERSON IS CONTRACTED TO DESTROY THE INFORMATION, THE  
9 GOVERNMENTAL AGENCY SHALL UNDERTAKE PROPER PROCEDURES TO ENSURE THAT AN  
10 UNAUTHORIZED PERSON DOES NOT HAVE ACCESS TO THE INFORMATION BEFORE THE  
11 INFORMATION IS DESTROYED BY THE CONTRACTED PERSON.

12 C. IN COMPLYING WITH THIS SECTION, A STATE AGENCY SHALL PRESERVE THOSE  
13 RECORDS AS REQUIRED PURSUANT TO CHAPTER 8, ARTICLE 3 OF THIS TITLE.